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UNCLAS ROME 000779

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E.O. 12958: N/A

TAGS: [FAIR IT AVIATION](#)

SUBJECT: CIVAIR: GOI RESPONSE TO VIOLATION OF FAA
REGULATIONS (CAPTAIN SILVETTI)

REF: 04 STATE 216648

Summary

1. The Italian National Civil Aviation Agency (ENAC) has responded to Federal Aviation Administration (FAA) Case No. 2002EA01009 concerning alleged FAA regulation violations by Captain Giorgio Silvetti, an Alitalia Airlines pilot. The FAA requested ENAC investigate the alleged U.S. airspace infractions and establish remedial measures if necessary. ENAC's investigation found Silvetti and his crew in violation of U.S. aviation guidelines and recommended re-evaluating the crew members' abilities. ENAC also concluded, however, that U.S. air traffic controllers did not appropriately alert the crew of their wrongdoing. End summary.

Background

2. On March 6, 2003, Alitalia Flight 606 commanding pilot Silvetti allegedly descended from his designated altitude (FL 310) without prior clearance from the Boston Air Route Traffic Control Center (ARTCC). Apparently, Silvetti deviated from ARTCC guidelines when there was no emergency or other reason to do so.

3. The FAA alleged Silvetti violated FAA regulation sections 91.123(a) and 91.13(a) forbidding deviations from air traffic control clearances without emergency or cause and operating aircraft in a careless manner, thereby endangering life or property. In cases of foreign pilot infractions, the pilot's national civil aviation authority is responsible for investigating the violation, and if appropriate, taking remedial measures.

4. While the alleged violation took place in March 2003, Alitalia's management reportedly was delayed in notification. FAA's Letter of Investigation (LOI) sent to Silvetti at Alitalia initially was not accepted for delivery. The LOI included the formal FAA violation notification and request that appropriate Italian Government officials take corrective or punitive action. Embassy FAA Representative and Transportation Officer followed up twice with ENAC, which then initiated the investigation.

ENAC Response

5. A letter dated January 19, 2005, from Commander Dario Romagnoli, ENAC's Licensing Office Director, said ENAC agreed with the FAA determination that the crew of Flight 606 committed a violation. In the crew's defense, ENAC noted that the air traffic control center diverted planes potentially endangered by the infraction, but according to Alitalia, failed to appropriately alert the Alitalia crew that they had committed the infraction. As a corrective measure, ENAC requested that Alitalia re-evaluate crew members' abilities, specifically in radio communications and routine English comprehension skills.

6. Embassy Senior FAA Representative has reviewed and cleared this cable.

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2005ROME00779 - Classification: UNCLASSIFIED